IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

Bail Appl..No. 7392 of 2006()

CC.1368/2005 of J.F.C.M.,MAVELIKKARA

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PETITIONER/RESPONDENT

THAMPAN THOMAS,
ANJILIVILAYIL HOUSE, PALLICKAL EAST,
THEKKEKARA P.O., MAVELIKARA.

BY ADV. SRI.RASHEED C.NOORANAD

RESPONDENT: COMPLAINANT

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. Ramkumar, J.

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B.A.No.7392 of 2006

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Dated this the 14th day of December, 2006.

ORDER

Petitioner, who is the accused in C.C.No.1368 of 2005 on the file of the J.F.C.M., Mavelikara for an offence punishable under Section 138 of Negotiable Instruments Act, 1881, seeks anticipatory bail.

2. According to the petitioner,he has not been served with any summons from the said court and while so, non-bailable warrant of arrest has been issued against him. Anticipatory bail cannot be granted so as to nullify the process issued by a court of competent jurisdiction. At the same time if what the petitioner alleges is true, he should be given an opportunity to convince the Magistrate about the non-issue of summons. The petitioner may, therefore, surrender before the Magistrate and file an application for regular bail within two weeks from today and the same shall be considered and disposed of preferably on the same day on which it is filed after considering the

petitioner's grievance of non-receipt of summons.

This petition is accordingly dismissed.

V.Ramumar,
Judge.

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